

Chapter Bkg 77

CONSUMER CREDIT REVIEW BOARD

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Bkg 77.01 Procedure. The following rules of procedure, adopted pursuant to sections 220.037 (6) and 227.08, Wis. Stats., shall govern all types of proceedings had before the consumer credit review board. In any case where the statute involved provides a procedure inconsistent with these rules the statute shall govern to the extent of such inconsistency. If in any case the forms set out in these rules be found not appropriate, parties may devise forms substantially similar to those herein prescribed, to meet such situations.

Bkg 77.02 Definitions. "Commissioner" refers to the commissioner of banking.

History: 1-2-56 ; am. Register, July, 1968, No. 151, eff. 8-1-68.

Bkg 77.03 Form of notice of appeal. Any interested person aggrieved by any act, order or determination of the commissioner of banking under chapters 138, 214, 217, and 218, Wis. Stats., may file with the commissioner of banking within 10 days after the act, order or determination to be reviewed an original and 8 copies of a notice of appeal in the manner prescribed by section Bkg. 10.03 in the following form:

To the Wisconsin Consumer Credit Review Board:

The undersigned hereby appeals from the order of the Commissioner of Banking dated _____, 19____, whereby it was ordered that (here set forth the substance of the order).

The nature of petitioner's interest is: (Here set forth the nature of petitioner's interest).

The grounds of appeal are the following: (Here set forth the exceptions or objections relied on, and if no answer has been filed, then also an answer to the findings of fact in the order, in the manner prescribed by section Bkg 11.11 of the Rules of Procedure for proceedings and hearings had before the Commissioner of Banking).

Dated _____, 19____.

History: 1-2-56 ; am. Register, July, 1968, No. 151, eff. 8-1-68.

Bkg 77.04 Procedure. Upon the filing of said notice, the commissioner of banking shall fix a time for hearing by giving at least 10 days written notice of the time and place when said matter will be heard to the person applying for review or his attorney and upon any other person who participated in the proceedings before the commissioner or his attorney, stating the issues to be considered.

History: 1-2-56 ; am. Register, July, 1968, No. 151, eff. 8-1-68.

Register, August, 1972, No. 200

Bkg 77.05 Service and filing of papers. Notice of hearing may be given by registered mail addressed to the party at his last known post office address, or to his attorney of record, return receipt requested, and the return receipt signed by the addressee or his agent shall be presumptive evidence that such notice was received by the addressee on the day stated on the receipt. Papers required to be filed with the board may be mailed to the following address:

Hill Farms State Office Building
Madison, Wisconsin 53702

History: 1-2-56 ; am. Register, July, 1968, No. 151, eff. 8-1-68.

Bkg 77.06 Conduct of hearings; continuances; appearances; examination of witnesses. Continuances and adjournments may be granted by the board for cause shown. The appellant may appear in person or by any officer, regular employe or attorney. Any other interested person may likewise so appear. Proceedings shall be in conformity to section 220.035 (2) (c), Wis. Stats. Witnesses competent to take an oath shall be sworn by the chairman of the board or the presiding officer and may be examined on behalf of the board by the chairman or presiding officer or by a representative of the attorney general acting as counsel for the board, or, with the permission of the chairman or presiding officer, by any employe of the board or commissioner of banking or by any other interested party or their attorneys. Any interested party or any of his agents, officers or employes may be examined adversely as prescribed by section 325.14, Wis. Stats. In all other respects, proceedings shall be had as prescribed in chapter 227, Wis. Stats.

History: 1-2-56 ; am. Register, July, 1968, No. 151, eff. 8-1-68.

Bkg 77.07 Subpoenas. The board shall have the powers granted by section 325.01 (4), Wis. Stats.

Bkg 77.08 Prehearing conferences. Prehearing conferences may be held at the convenience of the parties and shall be conducted by the commissioner of banking or any other employe of the commissioner designated by him, who shall keep and preserve a record of any agreement as to the issues or stipulation or admission of fact which may be made at such conference. Such record shall be attached to the file and constitute a part of the official record of the case.

History: 1-2-56 ; am. Register, July, 1968, No. 151, eff. 8-1-68.

Bkg 77.09 Arguments. Except as provided in section 227.12, Wis. Stats., arguments shall be submitted to the board in writing, unless otherwise ordered. Eight copies of such written arguments shall be filed with the commissioner of banking, who shall forthwith send a copy to each member of the board. The time for filing arguments shall be fixed by the officer presiding at the hearing.

History: 1-2-56 ; am. Register, July, 1968, No. 151, eff. 8-1-68.

Bkg 77.10 Variances. The provisions of section 263.28, Wis. Stats., with reference to variances between the allegations and the proof, shall apply to proceedings under these rules.

Bkg 77.11 Stay of proceedings. The institution of the proceeding for review shall not stay enforcement of the commissioner's decision, but the board may order a stay upon such terms as it deems proper.